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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,957	11/06/2000	Toshihiko Miyazaki	826.C1808	7909

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EXAMINER

KEANEY, ELIZABETH MARIE

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,957

Applicant(s)

MIYAZAKI ET AL.

Examiner

Elizabeth Gemmell

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-25,40 and 47-54 is/are pending in the application.
- 4a) Of the above claim(s) 1,2 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,25,40,48,49,51 and 52 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 24,47,50 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Receipt is acknowledged of the Amendment filed 19 May 2003.

#### ***Election/Restrictions***

Claims 1 and 2 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Claim 26 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "no spacers placed between neighboring spaces falling within the range of 5-50" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "T" has been used to designate both the thickness of the spacer (in figures 51 and 52) and the thickness of the frame (figure 58). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is required to modify the brief summary of the invention and to restrict the descriptive matter so that they are confined to and in harmony with the invention to which the allowed claims are directed. See MPEP § 1302.01. For example, pages 65-111 and figures 14,15 and 27-59.

The application contains disclosure entirely outside the bounds of the allowed claims. Applicant is required to modify the brief summary of the invention and restrict the descriptive matter so as to be in harmony with the claims (MPEP § 1302.01).

Should the Applicant have any concern regarding a priority date of the modified disclosure for continuation or divisional applications of this application, please see MPEP §201.06(c), Incorporation by Reference, B. Application Entitled to a Filing Date.

The disclosure is objected to because of the following informalities:

- The term "T" is used to describe the thickness of the frame. On page 109, Table 1: ratio A is used to describe the Length-to-Width ratio of the frame, however, the ratio is defined as  $W(idth)/T(hickness)$ . Therefore, either ratio A needs to be described as the ratio of Thickness-to-Width or the ratio should be defined as  $W(idth)/L(ength)$ .

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 24, 47,50 and 53 limitation of the ratio (A/S).

### ***Claim Objections***

Claims 24, 47,50 and 53 objected to because they fail to have antecedent basis in the specification. Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 23,25,40,48,49,51,52 and 54 are allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record teaches an image formation apparatus comprising: a first substrate having a plurality of wires, a second substrate having image formation material, and a plurality of spacers placed between the first and second substrates,

wherein each spacer is placed on a corresponding one of the plurality of wires.

However, the prior art fails to teach or fairly suggest placing the spacers between 5 and 50 neighboring wires as claimed in claims 23 and 49. Claims 25 and 51 are allowable by virtue of their dependency.

The prior art of record also fails to teach or fairly suggest The best prior art of record teaches an image formation apparatus comprising: a first substrate having a plurality of wires, a second substrate having image formation material, wherein the plurality of wires are in the row and column direction. However, the prior art fails to teach or fairly suggest each row wire having a larger width than the column wires as claimed in claims 40 and 52. Claims 48 and 54 are allowable by virtue of their dependency.

Should the specification objection be overcome for claims 24, 47, 50 and 53, they too would be allowable for the reasons as stated above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 6,541,900 discloses the ratio of the internal cross-sectional area of a vacuum envelope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



emg  
July 27, 2003



DAVID V. BRUCE  
PRIMARY EXAMINER